

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

OBINA ONYIAH

v.

CITY OF PHILADELPHIA, ET AL.

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CIVIL ACTION

NO. 22-1556

ORDER

AND NOW, this 10th day of March, 2023, upon consideration of the “Partial Motion to Dismiss,” filed by Defendants the City of Philadelphia, former Philadelphia Police Commissioner Charles Ramsey, Detective Ohmarr Jenkins, and Detective Thurston Lucke (Docket No. 22), and all documents filed in connection therewith, for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motion is **DISMISSED AS MOOT** in part, **GRANTED** in part, and **DENIED** in part as follows:

1. Pursuant to Plaintiff’s request, the following portions of the Amended Complaint are **WITHDRAWN** and the Motion is **DISMISSED** as moot insofar as it seeks dismissal of these portions of the Amended Complaint: (a) Count I insofar as it seeks monetary damages under the Pennsylvania Constitution; (b) Count II insofar as it asserts a claim for malicious prosecution in violation of the Fourteenth Amendment; and (c) Count VII insofar as it asserts a claim against Ramsey.

2. In light of the dismissal of Count VII against Ramsey, and Count VII containing the only claim against Defendant Ramsey, Ramsey is **DISMISSED** as a Defendant in this action.

4. The Motion is **GRANTED** insofar as it seeks dismissal of (a) Count IV of the Amended Complaint as against Jenkins and Lucke; and (b) Count VII of the Amended Complaint to the extent it asserts that the City is liable for a failure to intervene, malicious prosecution in

violation of the Fourteenth Amendment, and a policy, custom, or failure to train, supervise, or discipline relating to the alleged withholding of exculpatory evidence.

5. The Motion is **DENIED** in all other respects.¹

BY THE COURT:

/s/ John R. Padova, J.

John R. Padova, J.

¹ This action will proceed on the following claims: Count I insofar as it asserts a claim for a violation of the Due Process Clause of the Fourteenth Amendment against Defendants former Detective James Pitts, Detective Jenkins, Detective Lucke, and Detectives/Police Officers John Does 1-10; Count II insofar as it asserts a claim for malicious prosecution in violation of the Fourth Amendment against former Detective Pitts, Detective Jenkins, Detective Lucke, and Detectives/Police Officers John Does 1-10; Count III in its entirety against former Detective Pitts, Detective Jenkins, Detective Lucke, and Detectives/Police Officers John Does 1-10; Count IV insofar as it asserts a claim against former Detective Pitts and Detectives/Police Officers John Does 1-10; Count V in its entirety against former Detective Pitts, Detective Jenkins, Detective Lucke, and Detectives/Police Officers John Does 1-10; Count VI in its entirety against Defendants Police Captains/Lieutenants John Does 1-5; and Count VII insofar as it asserts a claim against the City for a violation of a clearly established constitutional right through a custom or failure to train, supervise, or discipline relating to the use of unconstitutional methods of interrogation.